

IN RE: PETITION FOR ZONING VARIANCE  
WS of Hunters Run Road, 111.86'  
N of c/l Dewberry Road  
11514 Hunters Run Drive  
8th Election District  
3rd Councilmanic District  
Faust Homes, Inc.  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-181-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section V.b.8. of the Comprehensive Manual, pursuant to Section 504.2, to permit a front yard setback to attached garage of 21' instead of the required 22', as more particularly described on Petitioner's Exhibit 1.

Mr. Bruce Alderman testified on behalf of Faust Homes, Inc., the builder of this particular property, and was represented by William Hesson, Jr., Esquire, of Nolan, Plumbhoff and Williams. Mr. and Mrs. Saunders appeared and testified as Protestants.

The house was constructed, pursuant to the final development plan for Hunters Run on lot No. 4, which has a mailing address of 11514 Hunters Run Drive was constructed closer to Hunters Run Drive than is permitted by the Baltimore County Zoning Regulations (B.C.Z.R.).

According to the testimony provided by Mr. Alderman, the property was field sited when the original design for the house was contracted for. After the original siting, there were changes to the exterior facade of the front of the garage that was requested. However, the house was not re-sited in the field and these changes in the front facade of the garage have caused the house to be constructed one foot closer to Hunters Run Drive than is permitted by the (B.C.Z.R.).

Clearly, the lot in question is large enough to have allowed the home to have been built within an area that would be in compliance with all of the B.C.Z.R. The error appears to have been the result of either misunderstandings or pure misinterpretation or mistake by various employees and/or independent contractors in the employ of Faust Homes, Inc. The Protestants are opposed to any deviation from the B.C.Z.R. They believe that the allowance of this variance would cause automobiles to be parked closer to the street sidewalk and, the street edge would endanger the children in the neighborhood and would cause an undue hardship upon the other families in the immediate neighborhood.

I have personally visited this site and based upon the evidence and the record before me and from my own field inspection, I can find no practical reason to believe that the Petitioners' one foot variance request will endanger the health, safety and general welfare of the community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of December, 1989 that the Petition to permit a front yard setback to attached garage of 21 feet instead of the required 22 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until

such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

3) The subject property shall not be eligible for any additional area setback or bulk variances.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH/zmm

cc: Peoples Counsel

cc: Protestants

ORDER FOR FILING  
D-13  
12/16/89  
BY: *M. J. Haines*

-2-

BALTIMORE COUNTY, MARYLAND  
OFFICE OF THE ZONING COMMISSIONER  
MISCELLANEOUS CASH RECEIPT

DATE: 7/10/89 ACCOUNT: 01-111-111

AMOUNT: \$ 35.00

RECEIVED FROM: *William Hesson, Jr.*

FOR: *Revised Final Variance (Item # 35)*

8 015\*\*\*\*\*35001a 2274f

VALIDATION OR SIGNATURE OF CASHIER

#### Tracking System

Baltimore County  
Zoning Commission  
Office of Planning & Zoning

Date: 7/10/89 Receipt: 01-111-111 FEE: \$ 35.00

Number: 707871010101-615308211FR

Petitioner: *Fast Homes* (Last) (First) (Middle Initial)

Property Address: *Lot 4 - Hunters Run Drive* (Number) (Street)

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: *8th* Date of Posting: *10/22/89*

Posted for: *Variances*

Petitioner: *Fast Homes, Inc.*

Location of property: *415 Hunters Run Rd., 111.86' N. of Dewberry Rd.*

Location of signs: *415 Hunters Run Rd., 111.86' N. of Dewberry Rd.*

Remarks: *Property of P.H. Haines*

Posted by: *M. J. Haines* Date of return: *11/3/89*

Number of Signs: *1*

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. *Oct 20*, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of *1* successive weeks, the first publication appearing on *Oct 18*, 1989.

TOWSON TIMES,  
*S. Zeke Orlean*  
Publisher

PO17313  
reg M 34257  
cc 90-181-A  
price \$ 114.34

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. *Oct 20*, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of *1* successive weeks, the first publication appearing on *Oct 19*, 1989.

THE JEFFERSONIAN,  
*S. Zeke Orlean*  
Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations, will hold a public hearing on the proposed variance to the Zoning Regulations of Baltimore County, which is described herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Petition for Zoning Variance, Case Number: 90-181-A, 111.86' N. of Dewberry Road, 11514 Hunters Run Drive, 8th Election District, 3rd Councilmanic District.  
Faust Homes, Inc.  
Hearing Date: Wednesday, Nov. 15, 1989 at 2:00 p.m.  
Variance: To permit a front yard setback to attached garage of 21 feet instead of the required 22 feet.  
It is noted that the Petitioner is granted a building permit may be issued within the 60-day appeal period. The Zoning Commission will, however, consider any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
NOTES: If the "TOWSON EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 867-3361 to confirm hearing date.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
12/10/89 Oct 18

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: *90-181-A*

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section *V.b.8 of the Comprehensive Manual* pursuant to Section *504.2, to permit a front yard setback to attached garage of 21' instead of the required 22'.*

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

*Foundation and basement walls existing.*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
(Type or Print Name) *Faust Homes, Inc.*  
(Type or Print Name)  
Signature: \_\_\_\_\_ Signature: *William Hesson, Jr.*  
(Type or Print Name)  
Address: \_\_\_\_\_ (Type or Print Name)  
City and State: \_\_\_\_\_ Signature: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
William M. Hesson, Jr., Esquire  
Nolan, Plumbhoff & Williams, Chartered  
(Type or Print Name)  
*William M. Hesson, Jr.*  
1615 York Road 825-7333  
Address Phone No.  
Lutherville, Maryland 21093  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Towson, Maryland 21204  
City and State  
Attorney's Telephone No.: 823-7800 Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this *9* day of *Sept*, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the *15* day of *Nov*, 1989, at *2:00* p.m.

ESTIMATED LENGTH OF HEARING *1/2* hr. + 1hr.  
ALL MON./TUE./WED. - NEXT TWO HOURS (over)  
REVIEWED BY: *727K* DATE: *7/10/89*

#### PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_  
*Mrs. Hesson*  
*1 Holbeck Court*  
*21230*  
*21230*  
*21230*



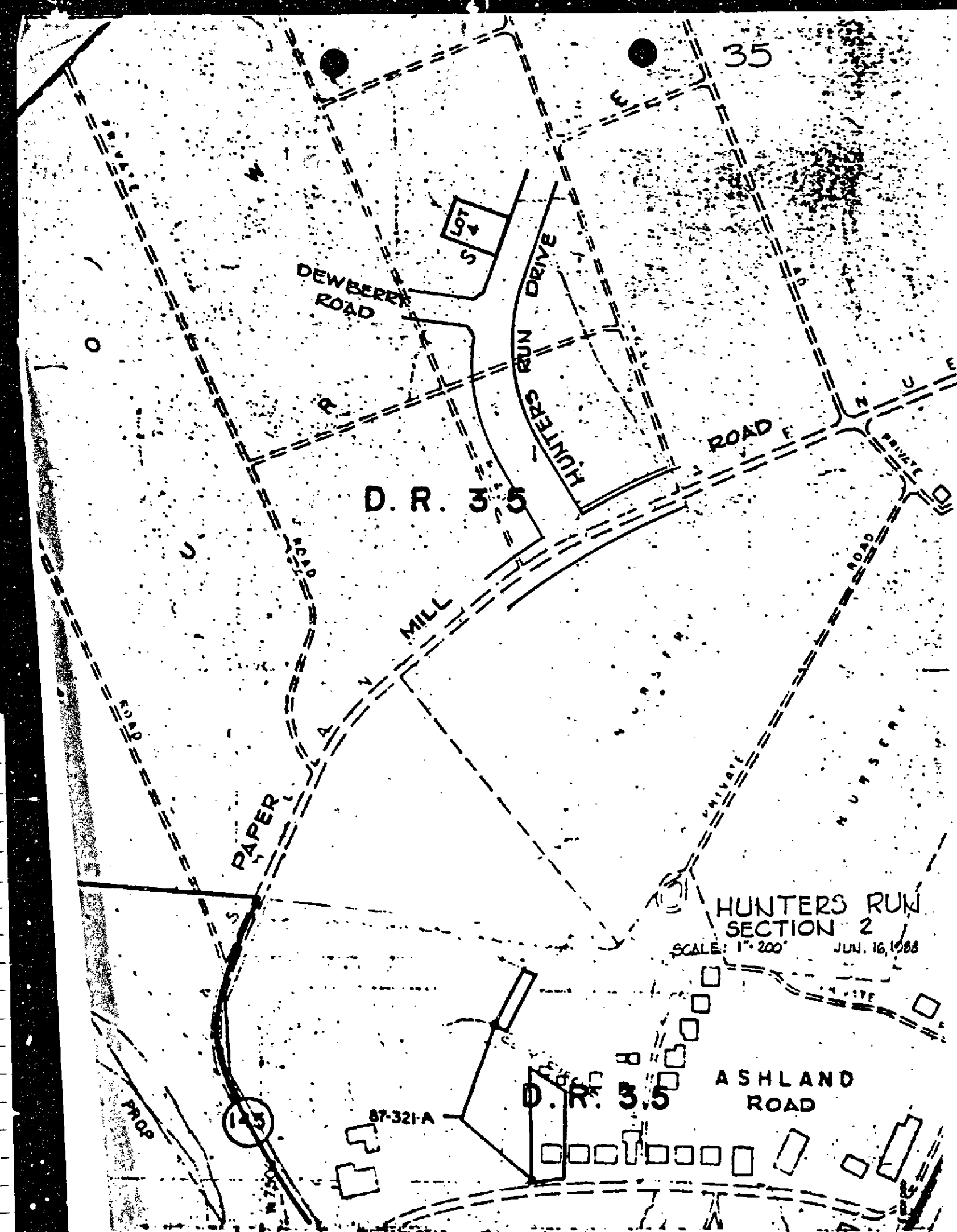
# Petition

From Hunt Valley Station Home Owners  
Concerning variance case number 90-181-A

The Home Owners of Hunt Valley Station  
phase I would like the variance of  
22 ft. upheld to keep the community  
uniform.

## PROTESTANT'S EXHIBIT 1

#8 Timberwood John & Mary Cole 527-1359  
#2 Hemlock Ct Ronald & Denise Schwartz 785-1422  
42 Hemlock Ct Ronald & Denise Schwartz 785-1422  
11520 HUNTERS RUN CHRIS & MARILYN YANIGER 527-1816  
3 Hemlock Ct Frank & Beth Homabauer 785-1423  
13 Timberwood COURT JERRY KIRCHMAN 527-1351  
12 Timberwood Ct Dave & Genay McHanna 527-1454  
#1 11506 HUNTERS RUN DR JAMES W. SUN 785-0849  
YOUNG H. SUN 785-0842  
11518 HUNTERS RUN DR CHIN HYUN PAK  
NAM SUN PAK  
11516 HUNTERS RUN VICKI & MARK JONES 785-0861  
11 TIMBERWOOD CT NICK & ANN PRINCIPLE 785-0418  
4 Hemlock Ct Sharon & George Pearson 527-1022  
11517 HUNTERS RUN Russell & Marguerite Bastian 771-1723  
11522 HUNTERS RUN DRIVE Glenn & Judy ERGOCE 527-1160  
14 Timberwood Court Linda & David Jarosinski 785-1818  
10 Timberwood Court JAMES & TERRY DOYLE 527-0411  
1 HEMLOCK COURT ARTHUR & JO ANN SAKUNDERS 785-0355



Vol. 15

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner DATE: November 1, 1989  
FROM: Pat Keller, Deputy Director Office of Planning and Zoning  
SUBJECT: Zoning Petition No. 90-181 Faust Homes, Inc., Item 35

The Petitioner requests a Variance to permit a front yard setback to an attached garage of 21 feet instead of the required 22 feet.

In reference to this request, Staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:gg1  
ZP90/181

11/1/89 per late comments

NOV 01 1989

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

RECEIVED  
AUG 31 1989

ZONING OFFICE

August 25, 1989



Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,

Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lw

Baltimore County  
Zoning Commission  
Office of Planning and Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

DATE 11/7/89



FAUST HOMES, INC.  
1615 York Road  
Lutherville, Maryland 21093  
ATTN: THOMAS FAUST

Re: Petition for Zoning Variance  
CASE NUMBER: 90-181-A  
W/S of Hunters Run Road, 111.86' N of c/l of Daberry Road  
11516 Hunters Run Drive  
9th Election District - 3rd Councilmanic  
Petitioner(s): Faust Homes, Inc.  
HEARING: WEDNESDAY, NOVEMBER 15, 1989 at 2:00 p.m.

Gentlemen:  
Please be advised that \$1,593.34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Number 311  
90-181-A

Date

11/14/89

MY000000

PUBLIC HEARING FEES QTY PRICE

NO POSTING SIGNS / ADVERTISING 1 X \$139.34

TOTAL: \$139.34

LAST NAME OF OWNER: FAUST HOMES, INC.

Cashier Validation: B 011-\*\*\*\*\*1393415 2152F Please make checks payable to: Baltimore County

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2586  
(301) 887-4500  
Paul H. Reincke  
Chief

AUGUST 11, 1989



J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: FAUST HOMES, INC.  
Location: W/S OF HUNTERS RUN ROAD  
Item No.: 35 Zoning Agenda: AUGUST 8, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

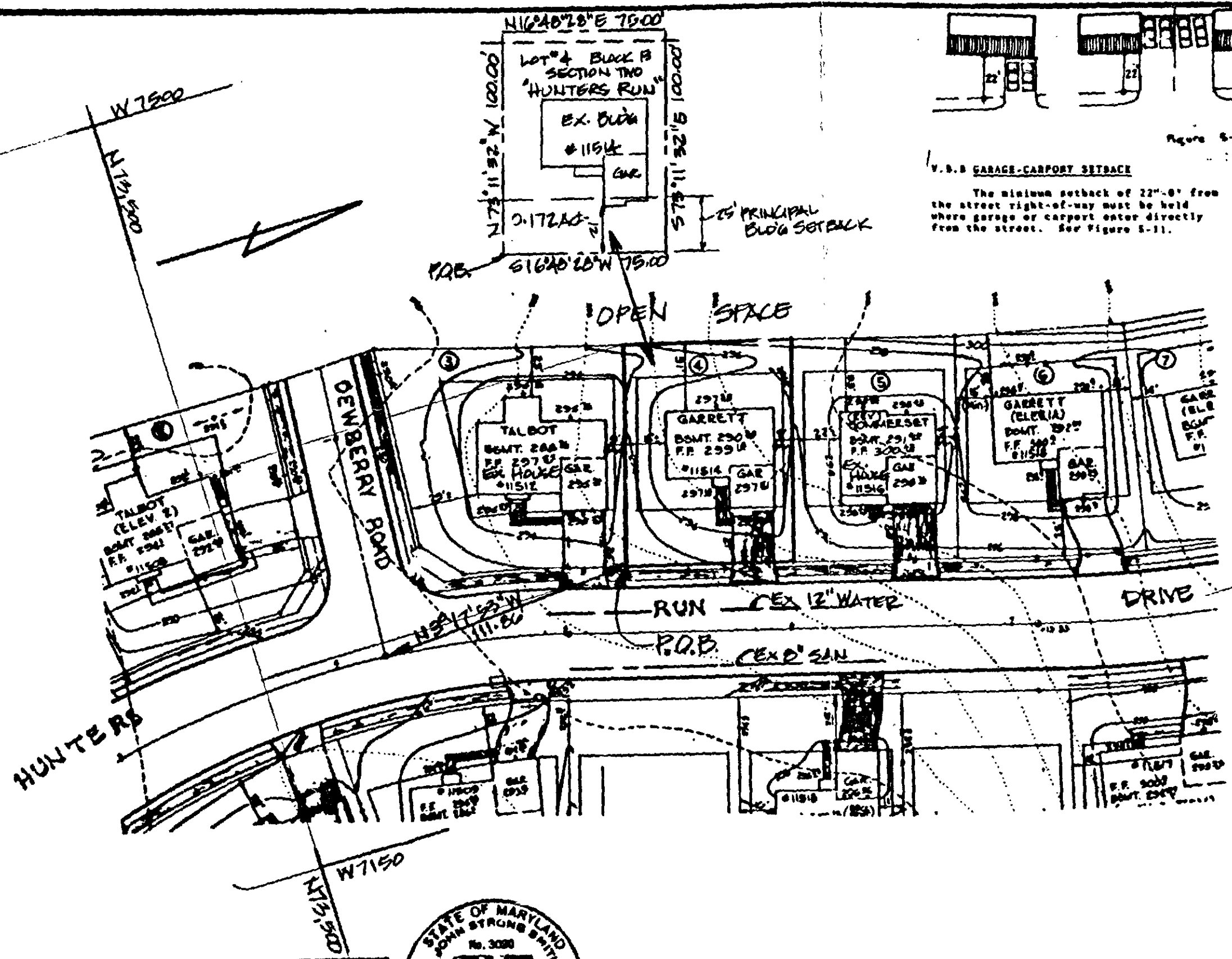
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

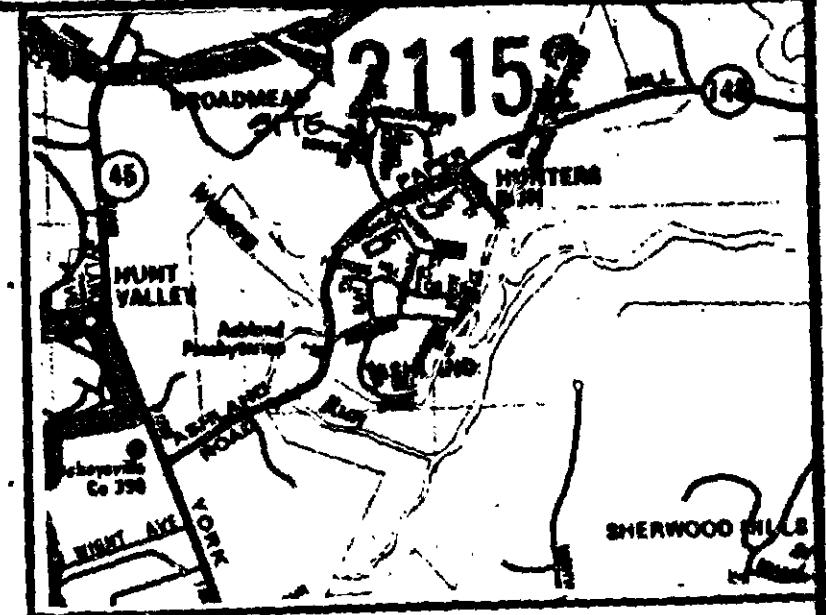
JK/KEK

AUG 16 1989





**V.B.B GARAGE-CARPORT SETBACK**  
The minimum setback of 22'-0" from the street right-of-way must be held where garage or carport enter directly from the street. See Figure 5-11.



VICINITY MAP  
1" = 2400'

VARIANCE REQUESTED FROM SECTION V.B.B OF THE C.M.D.P. MANUAL TO PERMIT AN EXISTING GARAGE SETBACK OF 21' IN LIEU OF THE REQUIRED 22'.

# PETITIONER'S EXHIBIT 1

PLAT TO ACCOMPANY A PETITION FOR A ZONING VARIANCE FOR LOT #4, BLOCK B, SECTION TWO 'HUNTERS RUN' # 11514 HUNTERS RUN DRIVE BALTIMORE CO., MD. ELECT DIST. #8 7/12/89 SCALE: 1" = 50'

**GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.**  
SVC. ENGINEERS & LAND SURVEYORS  
303 ALLESTREE AVENUE  
TOWSON, MARYLAND 21204  
(410) 223-8223



OWNER  
FAST HOMES INC.  
1615 YORK ROAD  
LUTHERVILLE, MD. 21093